

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Replacement of Part 90 by)
Part 88 to Revise the Private)
Land Mobile Radio Services and)
Modify the Policies Governing)
Them)

PR Docket No. 92-235

To: The Commission

**REPLY COMMENTS OF
QUESTAR SERVICE CORPORATION**

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Dated: July 30, 1993

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QUESTAR SERVICE CORPORATION**

Questar Service Corporation (Questar), by its attorneys and pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission (Commission or FCC), hereby submits these Reply Comments in response to the Notice of Proposed Rule Making (NPRM) adopted by the Commission on October 8, 1992 in the above-styled proceeding.^{1/}

I. INTRODUCTION

1. Questar, as a licensee of private land mobile radio (PLMR) frequencies below 512 MHz, is very concerned about the impact the proposed refarming initiative would

^{1/} Notice of Proposed Rule Making, 57 Fed. Reg. 54034 (November 16, 1992). Order Extending Comment and Reply Comment Period, 58 Fed. Reg. 8731 (February 17, 1993).

have on its private land mobile operations, particularly, a critical paging system that Questar intends to license in the 150 MHz band. This paging system will provide vital communications for operational personnel at its various natural gas plants that cover the remote and rural areas of Utah and Wyoming. The paging system will be used to alert and dispatch personnel during an emergency.

2. Questar, as well as many commenters, recognizes that there is a need to promote more efficient use of the frequency bands below 512 MHz allocated to the private land mobile services. Questar agrees with the Commission and commenters that the spectrum in these bands is becoming extremely congested, and in order to accommodate future uses, refarming of this resource should occur.

3. However, Questar believes that the Commission's proposal does not fully consider the technical and operational requirements of systems operating in rural America. Although the refarming initiative may present a feasible solution for spectrum congestion in urban areas, the technical proposals severely impede private land mobile radio (PLMR) operations in rural America. For example, the Commission's proposal will significantly reduce the service area of existing svstems operating in rural areas. The

refarming initiative would require Questar to incur prohibitively expensive costs and, for licensees in rural areas such as Questar, will require substantially more time for system conversion than the Commission's proposal allocates. Finally, the proposal, if promulgated, will result in an inefficient use of spectrum in rural markets, and will degrade essential operational communications that public safety and health require.

4. Few commenters addressed the impact this proposal has on licensees operating in rural and remote areas. However, Questar supports the Comments of the Montana Power Company (MPC), the American Petroleum Institute (API), Coastal Corporation and SEA, Inc., to the extent that they recommend different technical standards for rural area PLMR systems. In these Reply Comments, Questar wishes to stress the dilemma rural area PLMR licensees face if the NPRM is adopted as proposed.

II. REPLY COMMENTS

A. **Reduction in Antenna Height Above Average Terrain and Effective Radiated Power Significantly Reduces the Rural Area Coverage**

5. Questar provides service to the rural residents and commercial entities in northern Utah, southwest Wyoming and parts of Idaho and Colorado. Questar's service area is vast and includes many remote valleys. Because of the wide coverage area and unusual terrain in these areas, Questar requires taller antennas and greater transmitting power to adequately provide communications to its service area. Questar concurs with MPC when it noted that 70-80 percent of its existing coverage area will be lost if the proposed reductions in antenna height above average (HAAT) and effective radiated power (ERP) are adopted.^{2/} Similarly, Questar will be unable to provide service to a significant portion of its existing service area if the proposed standards are adopted.

6. The NPRM was adopted as a means of ameliorating the congestion of PLMR spectrum below 800 MHz. However, such congestion is virtually non-existent in rural areas, and the Commission ought to recognize the differences

^{2/} Comments of MPC at 12-13.

between rural and urban areas. To require rural area licensees to adhere to the proposed HAAT/ERP reduction will not only reduce their existing service area, but will be an inefficient use of the spectrum. Under the Commission's proposal, Questar would be required to apply for more frequencies and build multiple sites to accommodate the same service area. As discussed in detail below, this will be prohibitively costly for Questar. Also, this will require licensing of additional frequencies which unnecessarily depletes the availability of spectrum below 512 MHz. Questar agrees with MPC that the Commission should consider exempting licensees with operations in rural areas from its NPRM altogether, but particularly its HAAT and ERP reductions.^{3/}

7. Furthermore, Questar is concerned that its critical paging system may not work reliably as the tone

8. From a public interest standpoint, rural America already suffers a deprivation of services which are readily available in urban areas. Essentials, like running water and natural gas (which Questar provides) for cooking and heating, are not taken for granted in rural America. Questar is endeavoring to expand its service area to make its product more available to the public. However, reduction in HAAT and ERP will impede Questar's natural gas distribution system and make expansion on this system substantially more expensive to implement.

**B. The Proposed Exclusive Use Overlay Plan
Exclusivity Radius Must be Larger to
Protect Rural Systems**

9. Like many commenters, Questar supports the idea of granting exclusivity for bands below 470 MHz. The Commission proposes to base exclusivity on a 50-mile radius. Again, a 50-mile radius may be sufficient for systems in urban areas, but for rural areas, this radius is not wide enough. Questar favorably notes the Comments of API when it emphasizes that mobile radio systems for petroleum companies do not fit standard patterns.^{4/} The Commission's Exclusive Use Overlay Plan presumes that a 50-mile radius will

^{4/} Comments of API at 11.

adequately protect all PLMR licensees from co-channel interference. However, for rural systems which often operate at the periphery of its service area, a 50-mile radius is not sufficient. Questar believes that a wider radius, 75 miles for example, would provide greater protection for rural systems. Also, Questar concurs with MPC and API that the channel loading requirements should be waived for rural systems.^{5/}

C. The Commission Underestimates the Costs and Time Needed to Convert to Narrower Bandwidth Channels

10. The Commission is under the false impression that "screwdriver adjustments" to the transmitter are all that is necessary to convert to the narrower 12.5 and 6.25 kHz channels. However, many commenters urged the FCC to recognize the exorbitant costs associated with conversion to the narrow bandwidth channels.^{6/} Most PLMR licensees must purchase new equipment and re-engineer their systems to meet the narrower bandwidths. Questar recently made a large capital investment for its 150 MHz paging system. Its

^{5/} Comments of API at 11 and MPC at 18.

^{6/} Comments of Association of American Railroads at 24-26, API at 20, American Trucking Association at 4, 15, Coastal Corporation at 8, MPC at 16-18, MCI at 5, Sports Flyers Association at 2 and City of Colorado Springs at 4, 6.

equipment will not have been fully amortized before the proposed conversion date. Other commenters concurred on this point.¹⁷ PLMR licensees of rural area systems will incur more costs because they must apply for more frequencies and build new facilities to maintain their existing service areas. Questar utilizes radio sites with tall antennas transmitting high output power simply to provide communications service into the remote valleys. A reduction in HAAT and ERP will necessitate the construction of multiple sites every few miles to achieve the same distance and travel over the terrain as its existing system does. Questar estimates that each additional site will cost approximately \$50,000 to construct. The costs are exorbitant because much of Questar's service area is undeveloped land which must first be developed before any radio facilities can be built. Accordingly, Questar supports "Option A" of the Land Mobile Communications Council Consensus Plan which proposes a gradual conversion to 12.5 kHz for the 150 MHz band by January 1, 2004. This option will give Questar more time to allow its existing equipment to be amortized and to secure the capital needed for conversion to the narrower bandwidths.

¹⁷ See e.g., Comments of County of Los Angeles at 5.

III. CONCLUSION

11. Questar believes that Commission must fully consider the impact of this NPRM on rural PLMR licensees and rural America before adopting its proposed rules. The Commission is also urged to consider the costs associated with adhering to its proposed rules, as well as spectrum inefficiencies created by the drastic HAAT/ERP reductions.

WHEREFORE, THE PREMISES CONSIDERED, Questar Service Corporation hereby respectfully submits the foregoing Reply Comments and urges the Federal Communications Commission to proceed in this matter in a manner that is fully consistent with the views expressed herein.

Respectfully submitted,

QUESTAR SERVICE CORPORATION

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Dated: July 30, 1993

CERTIFICATE OF SERVICE

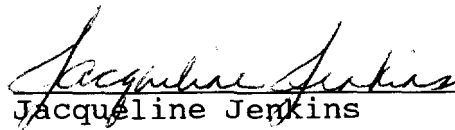
I, Jacqueline Jenkins, a secretary in the law firm of Keller and Heckman, hereby certify that a copy of the foregoing Reply Comments, has been sent to the following via hand delivery on this 30th day of July, 1993.

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